

**Notice of Allowability**

Application No.

09/982,174

Examiner

Gelek Topgyal

Applicant(s)

AIKAWA ET AL.

Art Unit

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6 July 2006.
2. ☒ The allowed claim(s) is/are 9-15 (renumbered as 1-7).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

1. The following is an examiner's statement of reasons for allowance: Independent claims 9 and 10 recite a recording method and recording apparatus, respectively, that identifies a uniquely distinct feature for "determining fourth information indicative of copy restriction of a digital signal to be recorded to a recording medium on a basis of combination of said first, second, and third information and recording said fourth information in said recording medium, when a digital signal has been input via said digital interface, wherein said fourth information is set so as to indicated "once copy is enable" under conditions that said first information is indicative of "copy is enable without restriction of copy times", and said second information being indicative of "protection is necessary", and said third information is indicative of "once copy is enabled"." Independent claims 11 and 12 recite a reproducing method and reproducing apparatus, respectively, that identifies a uniquely distinct feature for "determining a value of third information included in said packet header area indicative of status of encryption of said packet information area on a basis of combination of said first, second and fourth information and outputting said third information from said digital interface, wherein said third information is set so as to indicate "once copy is enabled" under conditions that said first information is indicative of "copy is enabled without restriction of copy times", and said second information is indicative of "protection is necessary", and said fourth information is indicative of "once copy is enabled"." Independent claims 13 and 14 recite a recording and reproducing method and recording

and reproducing apparatus, respectively, that identifies the uniquely distinct feature for "determining said fourth information on a basis of combination of said first, second and third information and recording said fourth information in said recording medium, wherein said fourth information is set so as to indicate "once copy is enabled" and recorded in said recording medium under conditions that said first information is indicative of "copy is enabled without restriction of copy times", and said second information is indicative of "protection is necessary", and said third information being indicative of "once copy is enabled", and "when said digital signal is reproduced, determining a value of said third information indicative of status of encryption of said packet information area on a basis of combination of said first, second and fourth information and outputting said third information from said digital interface, wherein said third information is set so as to indicate "once copy is enabled" under conditions that said first information is indicative of "copy is enabled without restriction of copy times", said second information is indicative of "protection is necessary", and said fourth information is indicative of "once copy is enabled". Independent claim 15 recites a recording apparatus that identifies the uniquely distinct feature for a "control means for controlling a recording operation to said recording medium in a manner that when said first information is indicative of "copy is enabled without restriction of copy times", and said second information is indicative of "once copy is enabled", and said third information is indicative of "protection is necessary", information relating to copy restriction of a digital data to be recorded in said recording medium is set to "once copy is enabled" and recorded in said recording medium." The closest prior art, Kato et al.

(US 6,618,549), Hashimoto et al. (US 6,526,146), and Okuyama et al. (US 5,987,126) disclose copy protection methods using many different types copy protection information, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

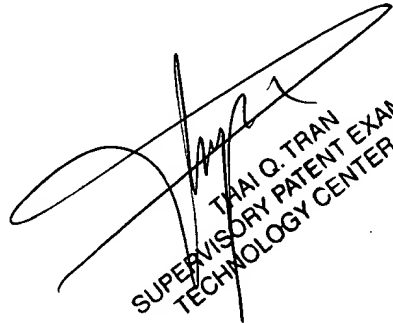
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gelek Topgyal  
9/11/2006



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